

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00157-RJC-DSC

LISA MORRIS, MICHAEL BUI,)
TUMIKA WILLIAMS, ALBERT EDGE,)
and KRISTEN VALPERGA, on behalf of)
themselves and others similarly)
situated,)

Plaintiffs,)

v.)

BANK OF AMERICA, N.A.,)

Defendant.)

Order

THIS MATTER is before the Court on the parties' Joint Motion for Disbursement of Residual Settlement Funds to Cy Pres Recipient. (Doc. No. 106).

WHEREAS, on January 21, 2022, this Court entered Final Approval of the Settlement in this matter, (Doc. No. 93);

WHEREAS, this Court retained jurisdiction over implementation of this Settlement and any distributions from the Settlement Fund, (*Id.* at ¶ 20);

WHEREAS, this Court ordered that "if any Residual Funds exist after the first distribution, the residue will go to Settlement Class Members by way of a secondary distribution, if economically feasible. Otherwise, the residue will go to an appropriate *cy pres* recipient, either a consumer protection or financial services charity, to be decided by the Court[.]" (*Id.* at ¶ 16);

WHEREAS, the Court has been informed that after two distributions to class members, Residual Funds exist for distribution;

WHEREAS, the parties have jointly moved for a distribution to a Cy Pres recipient and for an additional distribution to the Claims Administrator for unanticipated administrative expenses;

WHEREAS, based on the foregoing, having considered the joint motion filed, supporting exhibits and all of the other files, records, proceedings in the Action, and arguments of counsel, and being otherwise fully advised;

IT IS HEREBY ORDERED that:

1. This Court has jurisdiction over the implementation of this Settlement and any distributions from the Settlement Fund;
2. A Cy Pres distribution is appropriate in this matter and consistent with the Settlement as Residual Funds exist from the Settlement;
3. An additional distribution in the amount of \$224,807.50 to the Claims Administrator for unanticipated administrative expenses is reasonable and hereby **ORDERED**;
4. The remainder of the settlement funds shall be distributed to the National Consumer Law Center, the organization jointly agreed upon by the parties as an appropriate Cy Pres recipient.

IT IS SO ORDERED.

Signed: July 1, 2024



Robert J. Conrad, Jr.
United States District Judge

